Testimony of

City of Ecorse Emergency Financial Manager Joyce Parker Before The

Michigan House Local, Intergovernmental & Regional Affairs Committee

May 5, 2011 / 9:00 a.m. / Room 307 House Office Building / Lansing, MI 48933

Chairman Ouimet and distinguished members of the House Local, Intergovernmental & Regional Affairs Committee ...

Thank you for the opportunity to testify this afternoon in support of Senate Bill 318, legislation to amend the Home Rule City Act to facilitate the City of Ecorse's ability to issue financial recovery bonds.

For the record, my name is Joyce Parker. I am the Emergency Manager for the City of Ecorse.

I am joined today by Mr. Kevin Smith of the respected Miller Canfield law firm and City of Ecorse bond counsel, Mr. Brian Lefler of the R.W. Baird Company.

Before getting to the core of my brief testimony, I first want to take this opportunity to publicly thank Senator Hopgood for graciously agreeing to sponsor Senate Bill 318.

I also want to thank the Michigan Department of Treasury for endorsing this legislation, and you, Chairman Ouimet, for expediting the hearing – and hopefully the vote – on this measure.

Make no mistake: Swift passage and enactment into law of Senate Bill 318 is utterly important to taxpayers in the City of Ecorse, a cash-strapped community of fewer than 10,000 residents in suburban Detroit. Here's why:

In December 2010, a Wayne County Circuit Court ordered that a judgment levy be added to City of Ecorse tax bills to compensate other taxing jurisdictions monies that the municipality, under previous elected leadership, collected but failed to pass on to other taxing units.

Among the taxing jurisdictions owed money are Wayne County and Ecorse Public Schools.

- This judgment levy threatens to increase by tenfold the tax bill that City of Ecorse residents and businesses will owe this summer, and it could tax many of them out of their homes and/or livelihoods.
- For some other businesses like U.S. Steel, which shoulders nearly 40 percent of the City of Ecorse's property tax burden and has representatives here today the judgment levy is simply financially punitive and comes at a time of continued volatility in our state and national economy.

Senate Bill 318 would mollify this dilemma by helping the City of Ecorse sell financial recovery bonds to satisfy the court-ordered judgments. City of Ecorse taxpayers would then repay these bonds over time.

Specifically, City of Ecorse taxpayers, under this scenario, might see their tax rate grow by, say, an additional 3.5 to 4 mills per year, whereas the judgment levy would impose on them the potential hardship of an all-at-once increase of more than 40-mills.

Please know that the Home Rule City Act permits locals to issue financial recovery bonds right now. The City of Ecorse's fiscal condition, however, is tenuous, such that bond counsel advises the municipality only can access the market if the Legislature amends the statute to give investors greater assurance they will be repaid, even in the unlikely event of a municipal bankruptcy.

At its crux, Senate Bill 318 seeks to give prospective bondholders said comfort by...

- Providing that a "third-party" and not the City of Ecorse Treasurer collect revenue from a levy that has been issued solely to pay principal and interest on financial recovery bonds.
- By requiring the "third party" to disburse revenue from such a levy to a trustee who would be charged with making the bond payments.
- > And by affixing a statutory lien and trust on levies that have been pledged to pay financial recovery bonds and making said lien and

trust "paramount and superior" to all other liens on city tax money.

In conclusion, please know that I have been the City Manager of Saginaw, Jackson and Inkster, Michigan, as well as in Elgin, Illinois. I also worked with an Emergency Manager in Flint, Michigan.

I only share my background with you to make this point: My roughly 25 years of experience working with municipal government leaves me with no doubt that Senate Bill 318 charts a far better course for the City of Ecorse and its taxpayers than a judgment levy, which only would inspire more fiscal instability in this struggling municipality.

In the words of the Detroit News, which, like the Detroit Free Press opined in support of Senate Bill 318: "Lawmakers have an opportunity to help our here and they should."

With that, I thank the committee members for your forbearance. We are happy to entertain questions.

CITY OF ECORSE COUNTY OF WAYNE STATE OF MICHIGAN

AN EXCERPT TAKEN FROM THE REGULAR MEETING OF THE MAYOR PRO TEM AND COUNCIL OF THE CITY OF ECORSE HELD UNDER DATE OF APRIL 26, 2011. MAYOR PRO TEM DARCEL BROWN, PRESIDING.

PRESENT: COUNCILMEN WHEELER, BANKS, ELEM, HELLAR, MAYOR PRO TEM BROWN. EXCUSED: COUNCILMAN MILLER.

RESOLUTION NO. 1.11Sp

Moved by Councilman Hellar,

Supported by Councilman Wheeler

WHEREAS, the City of Ecorse has outstanding Court Ordered judgments against the City in an estimated amount of \$8.7 million dollars which must be paid;

WHEREAS, two of the judgments resulted from the failure to properly collect and remit the required taxes to Ecorse Public Schools and the County of Wayne, while four Court Ordered judgments stemmed from poor decisions made regarding employee filed lawsuits against the City;

WHEREAS, the most cost effective option to assure payment of these costly outstanding judgments for this financially depleted City is to issue bonds;

WHEREAS, in order for the City of Ecorse to successfully issue bonds, investors require certain protection that can only be obtained through a legislative amendment to the law which would create and authorize a Third Party to collect the related taxes, providing the necessary security to insulate the taxes collected from bankruptcy;

WHEREAS, issuing bonds will substantially lower the annual debt service requirement to City of Ecorse residents and will mitigate the financial impact to Ecorse taxpayers;

WHEREAS, the Mayor Pro Tem and City Council members of the City of Ecorse, County of Wayne, Michigan have evidenced their support for legislation creating a Third Party Tax Collector as required by Investors who will purchase the bonds by placing their signatures upon the attached Bond Petition;

WHEREAS, the Mayor Pro Tem and City Council members of the City of Ecorse, County of Wayne, Michigan in their representative capacity do hereby join their fellow City of

Ecorse residents in approving, supporting and adopting the attached Bond Petition "call to action" as an urgent plea and appeal to have our State Legislative Representatives create and pass the necessary requested legislation as soon as is possible which will benefit all the citizens of Ecorse by enabling the City to distribute its significant tax burden over many years through the successful issuance of bonds;

WHEREAS, the Mayor Pro Tem and City Council members of the City of Ecorse, County of Wayne, Michigan direct that these Bond Petitions signed by our Ecorse citizens be immediately delivered into the hands of our State of Michigan Legislative Representatives so that they might hear, consider and grant the urgent requests of the City of Ecorse residents to do all things necessary to enable the City of Ecorse to successfully issue bonds.

NOW, THEREFORE, BE IT RESOLVED that the Mayor Pro Tem and City Council members of the City of Ecorse do hereby support the passage of a legislative amendment creating a Third Party Tax Collector as required by the Investors who will be purchasing the City's bonds and further direct that all Bond Petition signatures be immediately delivered into the hands of our State of Michigan Legislative Representatives so that they might hear, consider and grant Michigan Legislative Representatives so that they might hear, consider and grant this collective and critical request from the City of Ecorse residents to do all things necessary to enable the City of Ecorse to successfully issue bonds.

Yeas:

Councilmen Wheeler, Banks, Elem, Hellar, Mayor Pro Tem Brown.

Nays:

None.

Excused:

Councilman Miller.

I, ROBIN R. UNDERWOOD, CITY CLERK OF THE CITY OF ECORSE, WAYNE COUNTY, MICHIGAN, DO HEREBY CERTIFY THAT THE ABOVE IS A FULL AND TRUE COPY OF A RESOLUTION ADOPTED BY THE MAYOR PRO TEM AND COUNCIL OF THE CITY OF ECORSE AT A REGULAR MEETING HELD UNDER DATE OF APRIL 26, 2011.

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DATED:

April 27, 2011 Ecorse, Michigan.

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elector was qualified to sign the petition.

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The Detroit News

www.detnews.com

April 26, 2011

http://detnews.com/article/20110426/OPINION01/104260310

Editorial: Amend emergency manager law to ease bond sales

Legislature should amend emergency manager law to help cities sell more favorable bonds

Amid all the fuss over Gov. Rick Snyder's new emergency manager rules to help struggling cities and school districts, Joyce Parker has been plugging away at the changes needed to restore fiscal stability to the downriver community of Ecorse.

Parker, appointed Ecorse's emergency manager under the old rules in 2009, is seeking legislation that lawmakers should approve to ease the sale of bonds that would cover \$8.5million in debts.

The debts were incurred under leaders who had plunged Ecorse into endangered status before Parker became its second emergency manager since the late 1980s. The city owes \$6.6 million in taxes it collected on behalf of Wayne County and the local school district, but failed to pass on. It also owes for lawsuits that were lost to employees and other entities, the amounts of which Parker has managed to reduce by about \$2 million through negotiations.

Parker already is empowered by law to sell bonds, but needs special legislation to set up a system that would make the bonds more saleable at a more favorable interest rate. The Legislature is being asked to amend the Home Rule Act so a third party — a bank — can handle the escrow on the bonds, giving investors more assurance their purchase of them is a sound transaction.

Without that, the debt would fall on taxpayers' shoulders in the community of 9,512, where 1 in 5 families are below the poverty level and household income averages \$25,000. Parker says the necessary property tax increases, as much as 40 percent, would drive many out of their homes. U.S. Steel, the major employer, would get hit with a ten-fold increase from \$400,000 now to \$4 million.

Even with the bonds, Ecorse faces a tough climb out of the trouble it's in. Parker also is working on pay and benefit concessions from city workers, an effort that should be eased by provisions in the new emergency manager law that give her more clout. She's also working on shared services deals with neighboring Lincoln Park and River Rouge, another strategy emphasized by Snyder.

Lawmakers have a good opportunity to help out here and they should. Those still inclined to bad-mouth the new emergency manager law need only to look at Ecorse to see how it can work for Michigan.

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One reason the city was placed under financial management was its failure to pass on taxes it collected for Ecorse Public Schools and for Wayne County. A court is now ordering the city to pay the \$6.6 million it owes those two jurisdictions, and there are some

The city would like to sell \$8.5 million in bonds to cover the judgments, but its bond counsel says they won't sell without

other litigation-related payments the city needs to make.

engaging a bank to establish an escrow account to repay them. That's one of the consequences of being so close to bankruptcy.

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The Legislature would have to amend the state's Home Rule City Act to allow the bank to handle the escrow, and as

legislators return this week, they should take up -- and pass -- a bill that state Sen. Hoon-Yung Hopgood, D-Taylor, will introduce to help Ecorse out.

Without question, this is borrowing to pay for debt -- usually a cardinal no-no. But the alternative is unthinkable: Without the ability to sell the bonds, Ecorse would be forced to add the costs for the repayments onto tax bills, increasing them by a factor of 10 in a single year.

That would put a lot of people out of their homes. Imagine trying to adjust to a tax bill that soars from \$2,000 one year to \$20,000 the next.

And picture what it would do to the businesses that are trying to stay in Ecorse. U.S. Steel, which operates Great Lakes Works in

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Ecorse, would see its tax bill jump from \$400,000 to \$4 million. DTE Energy, which also has facilities in the city, would see a \$21,000

tax bill rise to \$210,000.

It's not the fault of Ecorse's residents, or the businesses that operate there, that public officials shorted other jurisdictions on tax payments. They'll have to pay it back, anyway.

But the Legislature can, and should, give the city the ability to make sure the repayments don't compound problems that are just now being solved.

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